

AMENDED IN ASSEMBLY JUNE 2, 2003

AMENDED IN ASSEMBLY MARCH 11, 2003

AMENDED IN ASSEMBLY FEBRUARY 27, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 198

Introduced by Assembly Member Nation

January 27, 2003

An act to add Section 30807.5 to the Streets and Highways Code, relating to streets and highways.

LEGISLATIVE COUNSEL'S DIGEST

AB 198, as amended, Nation. Toll bridges and highways: disclosure of personal information.

Existing law authorizes the Department of Transportation to fix the rate of tolls on any toll bridge or toll road and to prescribe any rule and regulation with respect to any toll bridge or toll road within the state.

This bill would prohibit the department or any specified transportation agency or entity from selling or disseminating the actual driving patterns, address, telephone number, bank account information, or credit card number of any person who uses an electronic toll fare or fare collection system. The bill would authorize a transportation agency to provide aggregated traveler information from collective data relating to a group or category of users, and to share data with another transportation agency to comply with interoperability specifications and standards for electronic toll collection devices and technologies.

The bill would authorize a transportation agency to make personally identifiable information available to a law enforcement agency

pursuant to a subpoena or to a peace officer in certain situations. The bill would allow a transportation agency to communicate with subscribers about its products and services.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 30807.5 is added to the Streets and
2 Highways Code, to read:
3 30807.5. (a) *(1) A transportation agency or private entity*
4 *under contract with a transportation agency to administer an*
5 *electronic toll fare or fare collection system, may not sell or*
6 *disseminate the personal information, including, but not limited*
7 *to, travel pattern data, address, telephone number, bank account*
8 *information, or credit card number of any person who subscribes*
9 *to an electronic toll fare or fare collection system.*
10 ~~(b)~~
11 *(2) A transportation agency may only make this personally*
12 *identifiable information available to a law enforcement agency*
13 *pursuant to a subpoena.*
14 *(b) A transportation agency may only store personally*
15 *identifiable information for up to 60 days past the closure of an*
16 *electronic toll fare or fare collection system billing cycle.*
17 *(c) This section does not prohibit a peace officer, as defined in*
18 *Section 830.1 or Section 830.2 of the Penal Code, when*
19 *conducting a criminal or traffic collision investigation, from*
20 *obtaining the personally identifiable information of persons who*
21 *subscribe to an electronic toll fare or fare collection system.*
22 *(d) This section does not prohibit a transportation agency in*
23 *subdivision (a) from providing aggregated traveler information*
24 *derived from collective data that relates to a group or category of*
25 ~~*vehicles from which individual motorist identities and*~~
26 ~~*characteristics have been removed.*~~
27 ~~*(e) subscribers from which personally identifiable information*~~
28 ~~*has been removed.*~~
29 *(e) For purposes of this section, “transportation agency”*
30 *means the Department of Transportation, a regional transportation*
31 *planning agency, a countywide transportation planning agency, a*
32 *transit district, any entity operating a toll bridge, toll lane, or toll*

1 highway within the state, any eligible claimant under the
2 Transportation Development Act (Chapter 4 (commencing with
3 Section 99200) of Part 11 of Division 10 of the Public Utilities
4 Code), or any entity under contract with any of the above agencies,
5 entities, or districts.

6 ~~(d)~~

7 (f) For purposes of this section, “electronic toll fare or fare
8 collection system” is a system where a transponder or other
9 electronic medium is used to deduct payment of a toll or fare from
10 a users account.

11 ~~(e)~~

12 (g) This section does not prohibit a transportation agency from
13 sharing data with another transportation agency in order to comply
14 with interoperability specifications and standards adopted
15 pursuant to Section 27565 regarding electronic toll collection
16 devices and technologies.

17 (h) *This section does not prohibit a transportation agency from*
18 *communicating exclusively about its products and services to its*
19 *subscribers through a contracted third party vendor using*
20 *personally identifiable information limited to the subscriber’s*
21 *name and address.*

